

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH, BAYER S.A.S.,
and MERIAL LIMITED,

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Civ. Action No. 10-CV-274

**MOTION TO FILE DOCUMENTS
UNDER SEAL**

Defendant Cheminova, Inc. (hereinafter “Defendant”) hereby moves the Court to file under seal Cheminova, Inc.’s Brief in Support of its Motion to strike a portion of the expert report of Jeffery Winkler, Ph.D. and his entire “supplemental” report, along with the Declaration of Steven L. D’Alessandro filed in support thereof (including all exhibits to said declaration).

In support of this Motion, Cheminova states as follows:

The parties to this case entered into a Stipulated Protective Order (“the Protective Order”) entered by the Court on August 27, 2010. (Docket No. 40.) Paragraph II.B.1 of the Protective Order defines “confidential information” as non-public information that involves the personal or privacy interests of individuals under the laws where such individuals reside. Paragraph II.B.2 of the Protective Order defines “highly confidential information” as confidential information whose disclosure would be likely to cause harm

to the competitive position of the producing party. Paragraphs VIII.2 and VIII.3 of the Protective Order states that a party may file documents under seal with the Court if it is necessary to submit confidential or highly confidential material.

Cheminova's Brief in Support of its Motion to strike a portion of the expert report of Jeffery Winkler, Ph.D. and his entire "supplemental" report, includes extensive discussion of expert reports, discovery responses and deposition transcripts that have been designated by the parties as either "confidential information" or "highly confidential information" under the protective order. Likewise, the accompanying declaration of Steven D'Alessandro annexes the underlying protected information as exhibits thereto. Accordingly, Defendant hereby moves the Court under paragraphs VIII.2 and VIII.3 of the Protective Order to seal Cheminova, Inc.'s Brief in Support of its Motion to strike a portion of the expert report of Jeffery Winkler, Ph.D. and his entire "supplemental" report, along with the Declaration of Steven L. D'Alessandro filed in support thereof (including all exhibits to said declaration).

WHEREFORE, Defendant moves this Court to file and retain under seal Cheminova, Inc.'s Brief in Support of its Motion to strike a portion of the expert report of Jeffery Winkler, Ph.D. and his entire "supplemental" report, along with the Declaration of Steven L. D'Alessandro filed in support thereof (including all exhibits to said declaration).

Respectfully submitted this 17th day of June, 2011.

Respectfully submitted,

By: /s/Alan M. Ruley
William K. Davis
Alan M. Ruley
BELL, DAVIS & PITT, P.A.
100 N. Cherry Street, Suite 600
Winston-Salem, NC 27101
wdavis@belldavispitt.com
aruley@belldavispitt.com
Phone No. (336) 722-3700
Fax No. (336) 722-8153

/s/ Steven L. D'Alessandro
Joshua C. Krumholz
Christopher G. Kelly
Steven L. D'Alessandro
Robert J. Burns
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, NY 10019
joshua.krumholz@hklaw.com
christopher.kelly@hklaw.com
steven.dalessandro@hklaw.com
robert.burns@hklaw.com
Phone No. (212) 513-3200
Fax No. (212) 385-9010

*Attorneys for Defendant and Counter-Plaintiff
Cheminova, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Catherine Nyarady	cnyarady@paulweiss.com
Craig Benson	cbenson@paulweiss.com
Jayson L. Cohen	jlcohen@paulweiss.com
John E. Nathan	jnathan@paulweiss.com
Kenneth A. Gallo	kgallo@paulweiss.com
Kent E. Kemeny	kkemeny@paulweiss.com
Kripa Raman	kraman@paulweiss.com
Pressly McCauley Millen	pmillen@wcsr.com
Robert J. Koch	rkoch@milbank.com
Jitendra Malik	jmalik@alstonbird.com
Frank G. Smith	Frank.smith@alston.com
Judy C. Jarecki-Black	judy.jarecki@merial.com
John Patrick Elsevier	jpelsevier@jonesday.com
Matthew W. Howell	Matthew.howell@alston.com

/s/ Steven L. D'Alessandro_____